

**U.S. v. Edward S. Adams**  
**Case No. 17-64 (DWF/KMM)**

**Exhibit 1**

**To:** Kokkinen, John (USAMN)[jkokkinen@usa.doj.gov]  
**Cc:** Brian\_Pousson@mnd.uscourts.gov[Brian\_Pousson@mnd.uscourts.gov]; Wade, Lance[LWade@wc.com]; Maier, Gloria[GMaier@wc.com]; Rank, Timothy (USAMN)[TRank@usa.doj.gov]; Maclaughlin, David (USAMN)[DMAclaughlin@usa.doj.gov]  
**From:** KMMenendez@mnd.uscourts.gov  
**Sent:** Mon 6/24/2018 7:38:03 PM  
**Importance:** Normal  
**Subject:** Re:  
**MAIL\_RECEIVED:** Mon 6/24/2018 7:38:09 PM

Thank you for the information. Hope everyone found time for a bit of a weekend.

On Jun 24, 2018, at 5:13 PM, Kokkinen, John (USAMN) <[John.Kokkinen@usdoj.gov](mailto:John.Kokkinen@usdoj.gov)> wrote:

Dear Judge Menendez,

Thank you for taking the time to hold the telephone conference on Friday. Both parties appreciate the Court's time and willingness to address the various issues that have come up. At the conclusion of the phone conference, you asked the parties to send an email with additional information on two matters: (1) the exact universe of privileged documents that the Court needs to review (and that the government also requests access to through its proposed taint team) to rule on the motion to dismiss and motion to suppress; and (2) a realistic estimate of when this case will be ready for trial. The parties have conferred with each other, and with Judge Frank's chambers, and provide the following response.

The only privileged information that Mr. Adams has submitted *in camera* to the Court in connection with his motions are 21 exhibits (Exs. A-U to Motion to Dismiss), as well as portions of his Motion to Dismiss (Dkt. 141) that were redacted to protect privileged information. Exhibits A-U total 169 pages, and include a total of 62 documents (distinct Relativity DocID numbers identified in Mr. Adams's brief) ("Submitted Privileged Documents"). The Submitted Privileged Documents are a subset of those reflected on Mr. Adams's personal privilege logs (Exhibits 1 and 2 to Motion to Dismiss, Dkt 142), with the exception of Exhibits B, C, E, F, H, and I, which were not viewed or seized by the government and were provided *in camera* for context.

In addition, the Court, through Mr. Pousson, iterated to the parties that the "most important thing that the Judge wants to know is what documents the government does not have access to. If it is more than Exhibits A-U attached to the motion to dismiss, she wants to know that." On Mr. Adams's two privilege logs (see Exs. 1-2 to Motion to Suppress) of documents over which Mr. Adams is asserting his personal attorney-client or work product

privilege (where he is the client), there are 199 distinct Relativity DocID numbers on Ex. 1 and 63 distinct Relativity DocID numbers on Ex. 2, for a total of 262 distinct Relativity DocID numbers. A total of 50 distinct Relativity DocID numbers on Exs. 1-2 overlap with Exs. A-U. The government has access to none of these. The government similarly does not have access to Mr. Adams's Yahoo! emails that it did not seize or never viewed, as well as approximately 500 Yahoo! emails that the government viewed over which Mr. Adams asserts the attorney-client privilege or attorney work product protection as an attorney on behalf of a client or in connection with an expert engagement. There are also approximately ten documents over which Mr. Adams asserts the spousal privilege. Mr. Adams does not rely on any privileged documents other than the Submitted Privileged Documents identified above in either his motion to dismiss or his motion to suppress. Accordingly, he has not submitted any documents other than the Submitted Privileged Documents for *in camera* review, and does not plan to do so.

The parties are in agreement that obtaining a new trial date (likely after the first of the year) is needed in order to allow the parties to fully litigate the disputes, afford the Court adequate time to rule on those disputes, and permit the parties adequate time to prepare for trial. Given the estimated length of the trial in this case (approximately 3 weeks), it sounds like Judge Frank would have the availability to preside over a trial in December, January, or February. Counsel will continue to confer about a trial date certain that will work for all involved, and we will make a joint request to Judge Frank for a trial date certain.

Regards,

John Kokkinen

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